

# HB4997



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/05/04, by Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1201.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning railroad crossings.

LRB093 18087 DRH 43774 b

A BILL FOR

1 AN ACT in regard to vehicles.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-1201.1 as follows:

6 (625 ILCS 5/11-1201.1)

7 Sec. 11-1201.1. Automated Railroad Crossing Enforcement  
8 System.

9 (a) For the purposes of this Section, an automated railroad  
10 grade crossing enforcement system is a system operated by a law  
11 enforcement agency that records a driver's response to  
12 automatic, electrical or mechanical signal devices and  
13 crossing gates. The system shall be designed to obtain a clear  
14 photograph or other recorded image of the vehicle, vehicle  
15 operator and the vehicle registration plate of a vehicle in  
16 violation of Section 11-1201 of this Code. The photograph or  
17 other recorded image shall also display the time, date and  
18 location of the violation.

19 (b) Commencing on January 1, 1996, the Illinois Commerce  
20 Commission and the Commuter Rail Board of the Regional  
21 Transportation Authority shall, in cooperation with local law  
22 enforcement agencies, establish a 5 year pilot program within a  
23 county with a population of between 750,000 and 1,000,000 using  
24 an automated railroad grade crossing enforcement system. The  
25 Commission shall determine the 3 railroad grade crossings  
26 within that county that pose the greatest threat to human life  
27 based upon the number of accidents and fatalities at the  
28 crossings during the past 5 years and with approval of the  
29 local law enforcement agency equip the crossings with an  
30 automated railroad grade crossing enforcement system.

31 (b-1) Commencing on July 20, 2001 (the effective date of  
32 Public Act 92-98), the Illinois Commerce Commission and the

1 Commuter Rail Board may, in cooperation with the local law  
2 enforcement agency, establish in a county with a population of  
3 between 750,000 and 1,000,000 a 2 year pilot program using an  
4 automated railroad grade crossing enforcement system. This  
5 pilot program may be established at a railroad grade crossing  
6 designated by local authorities. No State moneys may be  
7 expended on the automated railroad grade crossing enforcement  
8 system established under this pilot program.

9 (c) For each violation of Section 11-1201 recorded by an  
10 automatic railroad grade crossing system, the local law  
11 enforcement agency having jurisdiction shall issue a written  
12 Uniform Traffic Citation of the violation to the registered  
13 owner of the vehicle as the alleged violator. The Uniform  
14 Traffic Citation shall be delivered to the registered owner of  
15 the vehicle, by mail, within 30 days of the violation. The  
16 Uniform Traffic Citation shall include the name and address of  
17 vehicle owner, the vehicle registration number, the offense  
18 charged, the time, date, and location of the violation, the  
19 first available court date and that the basis of the citation  
20 is the photograph or other recorded image from the automated  
21 railroad grade crossing enforcement system.

22 (d) The Uniform Traffic Citation issued to the registered  
23 owner of the vehicle shall be accompanied by a written notice,  
24 the contents of which is set forth in subsection (d-1) of this  
25 Section, explaining how the registered owner of the vehicle can  
26 elect to proceed by either paying the fine or challenging the  
27 issuance of the Uniform Traffic Citation.

28 (d-1) The written notice explaining the alleged violator's  
29 rights and obligations must include the following text:

30 "You have been served with the accompanying Uniform Traffic  
31 Citation and cited with having violated Section 11-1201 of the  
32 Illinois Vehicle Code. You can elect to proceed by:

- 33 1. Paying the fine; or
- 34 2. Challenging the issuance of the Uniform Traffic Citation  
35 in court; or
- 36 3. If you were not the operator of the vehicle at the time

1 of the alleged offense, notifying in writing the local law  
2 enforcement agency that issued the Uniform Traffic  
3 Citation of the number of the Uniform Traffic Citation  
4 received and the name and address of the person operating  
5 the vehicle at the time of the alleged offense. If you fail  
6 to so notify in writing the local law enforcement agency of  
7 the name and address of the operator of the vehicle at the  
8 time of the alleged offense, you may be presumed to have  
9 been the operator of the vehicle at the time of the alleged  
10 offense."

11 (d-2) If the registered owner of the vehicle was not the  
12 operator of the vehicle at the time of the alleged offense, and  
13 if the registered owner notifies the local law enforcement  
14 agency having jurisdiction of the name and address of the  
15 operator of the vehicle at the time of the alleged offense, the  
16 local law enforcement agency having jurisdiction shall then  
17 issue a written Uniform Traffic Citation to the person alleged  
18 by the registered owner to have been the operator of the  
19 vehicle at the time of the alleged offense. If the registered  
20 owner fails to notify in writing the local law enforcement  
21 agency having jurisdiction of the name and address of the  
22 operator of the vehicle at the time of the alleged offense, the  
23 registered owner may be presumed to have been the operator of  
24 the vehicle at the time of the alleged offense.

25 (e) Evidence.

26 (i) A certificate alleging that a violation of Section  
27 11-1201 occurred, sworn to or affirmed by a duly authorized  
28 agency, based on inspection of recorded images produced by  
29 an automated railroad crossing enforcement system are  
30 evidence of the facts contained in the certificate and are  
31 admissible in any proceeding alleging a violation under  
32 this Section.

33 (ii) Photographs or recorded images made by an  
34 automatic railroad grade crossing enforcement system are  
35 confidential and shall be made available only to the  
36 alleged violator and governmental and law enforcement

1 agencies for purposes of adjudicating a violation of  
2 Section 11-1201 of the Illinois Vehicle Code. However, any  
3 photograph or other recorded image evidencing a violation  
4 of Section 11-1201 shall be admissible in any proceeding  
5 resulting from the issuance of the Uniform Traffic Citation  
6 when there is reasonable and sufficient proof of the  
7 accuracy of the camera or electronic instrument recording  
8 the image. There is a rebuttable presumption that the  
9 photograph or recorded image is accurate if the camera or  
10 electronic recording instrument was in good working order  
11 at the beginning and the end of the day of the alleged  
12 offense.

13 (f) Rail crossings equipped with an automatic railroad  
14 grade crossing enforcement system shall be posted with a sign  
15 visible to approaching traffic stating that the railroad grade  
16 crossing is being monitored, that citations will be issued, and  
17 the amount of the fine for violation.

18 (g) Except as provided in subsection (b-1), the cost of the  
19 installation and maintenance of each automatic railroad grade  
20 crossing enforcement system shall be paid from the Grade  
21 Crossing Protection Fund if the rail line is not owned by  
22 Commuter Rail Board of the Regional Transportation Authority.  
23 Except as provided in subsection (b-1), if the rail line is  
24 owned by the Commuter Rail Board of the Regional Transportation  
25 Authority, the costs of the installation and maintenance shall  
26 be paid from the Regional Transportation Authority's portion of  
27 the Public Transportation Fund.

28 (h) The Illinois Commerce Commission shall issue a report  
29 to the General Assembly at the conclusion of the 5 year pilot  
30 program established under subsection (b) on the effectiveness  
31 of the automatic railroad grade crossing enforcement system.

32 (i) If any part or parts of this Section are held by a  
33 court of competent jurisdiction to be unconstitutional, the  
34 unconstitutionality shall not affect the validity of the  
35 remaining parts of this Section. The General Assembly hereby  
36 declares that it would have passed the remaining parts of this

1 Section if it had known that the other part or parts of this  
2 Section would be declared unconstitutional.

3 (j) Penalty.

4 (i) A violation of this Section is a petty offense for  
5 which a fine of \$250 shall be imposed for a first  
6 violation, and a fine of \$500 shall be imposed for a second  
7 or subsequent violation. The court may impose 25 hours of  
8 community service in place of the \$250 fine for the first  
9 violation.

10 (ii) For a second or subsequent violation, the  
11 Secretary of State may suspend the registration of the  
12 motor vehicle for a period of at least 6 months.

13 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; 92-651,  
14 eff 7-11-02; 92-814, eff. 1-1-03.)